

Notice of Allowability**Application No.**

10/800,472

Applicant(s)

HARRIS, SCOTT C.

Examiner

CARL COLIN

Art Unit

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed on 11/1/2008.
2. ☒ The allowed claim(s) is/are 1,2,5-9,11,17-20,22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20081110.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20081110.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Carl Colin/
Primary Examiner, Art Unit 2436

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/30/2008 and 11/1/2008 has been entered.

Response to Arguments

2. In communications filed on 9/30/2008 applicant has amended claims 1-8, 10-12, 14, 17, 18, and 21. In communications filed on 11/1/2008 applicant has further amended claims 1, 4, 6, 12, and 17. Claims 1-23 are presented for examination.

2.1 In response to communications filed on 11/1/2008, the 112th rejection of claims 1-12, 14, and 17-23 has been withdrawn with respect to the amendment.

2.2 Applicant's arguments filed on 9/30//2008 have been fully considered and they are persuasive in view of the amendments and in the light of the Examiner's amendment.

Drawings

3. Figure 1 is not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott C. Harris on 11/10/2008.

The application has been amended as follows:

1. (Currently amended) A wireless network, comprising:
a first communication part defining a first class of service that includes a first set of permissions for access to resources including access to files on a system being controlled by said first communication part, and a second communication

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part, transmitting a separate communication stream from said first communication part, over substantially a same transmitting area as said first communication part, and said second communication part defining a second class of service which includes a second set of permissions of access to resources, where said second set of permissions does not include said access to said files on said system,

said first communication part having its access controlled by requiring users of the first communication part to use a first key, said first key being a non-public key of a type that controls access, and automatically provides access to users that have said first ~~non-public~~ key and does not provide access to users who do not have said first ~~non-public~~ key, said second communication part allowing access without said first ~~non-public~~ key;

wherein said second communication part allows said access upon detecting a second key which is a public key, and does not allow said access when not detecting said second key;

a third communication part, transmitting a separate communication stream from said first communication part, and separate from said second communication part, over substantially a same transmitting area as said first and second communication parts, and said third communication part defining a third class

of service which includes a third set of permissions of access to resources, where said third set of permissions does not include said access to said files on said system, and allows access to only specified internet sites;

wherein said third communication part allowing access without needing any key.

2. (Previously Presented) A network as in claim 1, wherein said first class of service includes a greater speed of network access than said second class of service.

3. (Canceled)

4. (Canceled)

5. (Currently amended) A network as in claim [[4]] 1, wherein said wireless network includes an access granting mechanism, that detects a user's key, and automatically grants one of said first and second levels of services based on detecting one of said first or second key, or grants said third level of service if a user is detected without said first or second key[[s]].

6. (Currently amended) A wireless network system, comprising:

a first wireless network portion, including a first network transmitter, which is accessed by users having a first key which is a non-public key of a type that controls access, and which allows a first specified level of access to services, and which automatically grants access to users having said ~~non-public~~ first key but does not grant access to users who do not have said first ~~non-public-key~~; and

a second wireless network portion, including a second network transmitter transmitting over substantially the same area as said first network transmitter, which is accessed by users not having said first ~~non-public-key~~, which allows a second specified level of access to services which includes less services than said first specified level of access to services;

wherein said second wireless network portion allows said access upon detecting a second key which is a public key, and does not allow said access when not detecting said second key;

a third wireless network portion, transmitting a separate communication stream from said first and second wireless network portions, and separate from said first and second wireless network portions, over substantially a same transmitting area as said first and second wireless network portions, and said third wireless network portions defining a third class of service which includes a third set of permissions of access to

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resources, where said third set of permissions does not include access to files on said system, and allows access to only specified internet sites,

wherein said third communication part allowing access without needing any key.

7. (Currently amended) A system as in claim 6, wherein said second specified level of access to services specifies an amount of bandwidth.

8. (Currently amended) A system as in claim 6, wherein said second specified level of access to services specifies an amount of access to network files.

9. (Previously Presented) A system as in claim 6, wherein said first and second wireless network portions are separate wireless network interface cards operating in the same location.

10. (Canceled)

11. (Currently amended) A system as in claim ~~12~~ 6, wherein said non-public key is an encryption key.

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12-16. (Canceled)

17. (Currently amended) A method, comprising:

at a first location, first allowing a user to obtain access to wireless network resources which has a specified level of network features by using a first key which is a non-public encryption key, to access a first wireless network portion that has said first specified level of network features;

at said first location, second allowing a user to obtain access to only a first subset of said specified level of network features, less than said specified level of network features, and having a more limited download speed than said first wireless network, by accessing a second wireless network portion using a second key which is a public encryption key; and

at said first location, third allowing a user to obtain access to only a second subset of specified internet sites, comprising less access than said first subset of said specified level of network features, by accessing a third wireless network portion, said third wireless network portion defining a third class of service;

wherein said third allowing allows access without needing any encryption key and wherein each of said first, second and third wireless network portions transmit a separate

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communication over substantially a same transmitting area as said first and second wireless network portions; and

automatically granting said first allowing if a first encryption key is detected, automatically granting said second allowing if a second encryption key is detected, and automatically granting said third allowing if neither said first nor second encryption key is detected.

18. (Currently amended) A ~~network system~~ method as in claim ~~13~~ 17, wherein said second allowing allows said access upon detecting a second key, and does not allow said access when not detecting said second ~~public~~ key.

19. (Previously Presented) A method as in claim 17, wherein said first allowing allows access to files, and said second allowing does not allow access to any files, but does allow access to Internet.

20. (Original) A method as in claim 17, further comprising detecting a user's network credential, and automatically granting one of said first allowing or said second allowing based on said credential.

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21. (Canceled)

22. (Currently amended) A method as in claim 21, wherein said first ~~non-public~~ key comprises an indication that a user has paid for a certain specified service.

23. (Original) A method as in claim 17, wherein said second allowing allows internet access but only to certain web pages.

Allowable Subject Matter

5. Claims 1, 2, 5-9, 11, 17-20, 22, and 23 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL COLIN whose telephone number is (571)272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/Primary Examiner, Art Unit 2436

November 10, 2008